

EXHIBITS 44A

faced with a dilemma, we do not as a people trust our government entirely to protect us from acts of terrorism, particularly if they are motivated by political or religious beliefs, and at the same time, we expect our government to protect us from terrorism and political violence. We have not reached a level of comfort with what authority we should grant to the counter-terrorism agencies and entities of our government with that responsibility. But at the same time we expect them to be effective. And we've had a very strange coalition develop over the last two to three years in our Congress where elements of the left and the elements of the right have coalesced and come together to oppose a President of the Democratic Party and the leadership of the Republican Party in Congress, in putting together anti-terrorism legislation that has been supported through three Administrations. Which would withstand Constitutional scrutiny, most elements of which have already been ruled on by the Supreme Court in other forms, such as the roving wiretap issue, which has already been adjudicated in organized crime and drug cases as being Constitutional.

There is no consensus in our society as to how far we will allow the counter-terrorism forces to proceed. Under the guidelines as they are today, the FBI is in the very unusual position of being perhaps the only people in our society who cannot take official cognizance of what people say, of what people do, of what people pronounce and promulgate that they will do until they do it. A professor, an institute, a newsman, can collect this information, can analyze it, collate it, can make pronouncements on it, can issue statements of concern, can say the government ought to be doing something or ought not to be doing something, but the FBI cannot. It is prohibited under the current guidelines and a provision of the Privacy Act, from collecting public information even from groups who directly espouse the use of violence to accomplish their objectives. We have already seen a terrorist organization, which was in actuality both a political movement and a religious cult, called the Aum Shinrikyo in Japan, turn to the use of a very dangerous gas—Sarin—developed by the Nazi regime before World War II, with the potential loss of life in its use of thousands. A dozen Japanese citizens were killed and thousands were injured, but that was fortunate. They hadn't really perfected their delivery system as yet, but they intended to kill thousands of people of people. The Aum specifically targeted the Japanese National Police in these attacks and tried to assassinate the Commissioner General of the Police. Their ultimate goal was to bring down the Government of Japan.

We've seen chemical weapons used by outlaw regimes; we've seen the capability of use of chemical weapons obtained by terrorist organizations. In the United States we have people that support and are involved in the militia movement, collect biologicals, including anthrax, which is probably one of the most lethal diseases that could ever be released, and yet it is easily obtainable. We have botulism that can be cultured and proliferated by obtaining a small amount of the toxin. We've already seen terrorist organizations and state sponsors of terrorism utilize these types of weapons of mass destruction, and we have a continuing, growing proliferation of nuclear materials coming out of the former Soviet Union that may not lead to the development of a nuclear device but could certainly lead to contamination through spreading nuclear materials by the use of a conventional explosive device.

As the threat escalates, and we've already seen terrorists utilize weapons of mass destruction, we as a society have not yet as even determined how we're going to utilize and authorize our counter-terrorist forces to prevent acts of terrorism. In a discussion with Senator Specter, during the CISPES inquiry, I asked him, "Senator, do you want us to wait until there's blood on the streets to act? Or are you going to authorize us to act on information that any reasonable person would assume to be true?" And he said, "In a democratic society, you may have to wait until there's blood on the street." If that's one person, maybe society can accept it. If 50,000 people are killed in the World Trade Center bombing, which was the intent of the terrorists, will we as a society accept that? 168 people were killed in Oklahoma City and it traumatized our society. What would the death of 50,000 have done? What would the blowing up of 12 or 13 PanAm 103s do to our society? What would be the reaction of our Congress? Do you think they would stop with the FBI being able to collect public information? Or would we see internments, would we see mass expulsions, would we see the *writ of habeas corpus suspended*? Would we see Draconian measures? I'm concerned that our society would overreact.

As a person that has dealt with enforcing the law for thirty years, that concerns me greatly. In the United Kingdom, from which our legal system was developed, they have suspended the right of trial by jury, they've suspended the *writ of habeas corpus*, they've allowed investigative detention without charge, they've engaged in wiretaps and electronic surveillance without court order, and this is in a society that is civil and democratic and certainly is one that we look to as one of the founding

nations of democracy. The British, the French, the Germans, all use extralegal means to combat terrorists. We do not, we should not, and we don't have to. But we have to reach a reasonable balance to allow those elements of our society charged with preventing terrorism an opportunity to carry out their duties and do their jobs.

Right now the balance is not there.

I wish that I could tell you it is my belief that we won't have additional World Trade Centers, PanAm 103s, and Oklahoma Citys—I have no such expectation. There have been some improvements, but they are not what they should be to put us in a position to have a reasonable chance to prevent the kind of events and terrible incidents that I've described. As the potential use of even more devastating weapons increases, we have not increased our capabilities.

Do I think that we ought to impose Draconian measures on our society to prevent terrorism? Absolutely not, that would allow the terrorists to win. But we must find a reasonable balance. We can find a reasonable balance under the Constitution. There's no question that we can. We need the political will and we need public attention for more than 24 hours. In our society, that is very difficult to achieve. But this is a battle we must win to protect our nation from the scourge of terrorism."

Chairman Hyde I am certain that you and your Committee will determine that we need better tools to deal with the problems that increase our vulnerabilities. I only ask that we learn from our past mistakes and oversights. I sincerely believe that we must restructure our Intelligence and Federal law enforcement agencies if we are to come to grips with this most elusive and insidious enemy. Our Nation must be able to protect itself from those who come here to attack our citizens and attempt to destroy our Country and our way of life.

Thank you,

Chairman HYDE. Mr. Revell, I understand that you have a video that you want to play.

Mr. REVELL. Yes, sir. In 1994, when I retired from the FBI, I was approached by an investigative reporter by the name of Steve Emerson who was working on an issue that was of concern to him and that he had in fact brought to my attention while I was still in the FBI and we were investigating the first World Trade Center bombing and that was the existence in the United States of certain groups and organizations that were in support of terrorist organizations overseas, particularly Hamas, Hezbollah and the Palestinian Islamic jihad.

I reviewed his material. I looked at the documentation and the video. I saw the translations and I, along with Ambassador Bremer and some others, reacted to what we saw. This documentary, which was produced by Public Broadcasting, was actually broadcast I believe in 1995 and it is called *Jihad in America*.

Chairman HYDE. Well, I understand it takes about 13 minutes.

Mr. REVELL. Well, the entire video is 60 minutes, but I think the excerpt has been edited to 13 minutes.

Chairman HYDE. Our Committee staff has reviewed an earlier version of this tape. Like the producers, narrators and several former U.S. officials that are featured on the tape, we do not believe Islam or the overwhelming vast majority of Muslims in the U.S. support the use of violence and hatred as portrayed in this video. I want to make that clear.

Mr. REVELL. I think if you saw the entire video you will see that that statement is made over and over again. I made it personally, and Ambassador Bremer made it, and the narrator made it. There is no indication of belief on our part that the 6 million Muslims in the United States are uniformly in favor of terrorism or violence, but there are within this community, just like there are within the Christian community the Christian Identity movement and other radical elements that have used our very protections, our civil

rights, our constitutional guarantees to protect their ability to support and function in support of terrorist organizations overseas. That was the issue.

Chairman HYDE. Very well. That is fine. Can we play the video?

Mr. ROHRABACHER. Mr. Chairman, for the record, I think this is very ill-advised, after thousands of our people have been slaughtered, to play something about domestic Muslims in our country that may make them look like they are part of a terrorist network. We have to get the truth out, but this may not be the moment to play this at a congressional hearing. I have never seen this tape, but if it is dealing with what is going on in our mosques and to our fellow citizens, this may not be a good moment to be doing this.

Ms. MCKINNEY. Mr. Chairman, I would also like to lend some words in support of my colleague Dana. I have not seen it either. If the Chairman himself felt he had to provide some characterization that this in no way suggests that all Muslims in America are terrorists, then maybe this information is something we should view before it is just put out there for the entire country on these television cameras that are here to see.

Mr. SMITH OF NEW JERSEY. Mr. Chairman.

Chairman HYDE. Mr. Smith.

Mr. SMITH OF NEW JERSEY. Mr. Chairman, I have watched the entire video. It has been sent to every one of our offices. I have watched it not once but twice. As Mr. Revell pointed out, it has made it very clear that these are people coming in under the guise of doing humanitarian work in New Jersey and Kansas and elsewhere who are openly and actively talking about killing, using the sword, and I think it is very appropriate and—since it has been drawn down to a concise fashion—for this Committee to see it.

I have watched it twice, and I would admonish every Member to watch it. Because the threat is very real, and most of these people come into this country using all of our openness to our own disadvantage, and we need to be much more aware of what is going on.

Mr. ROHRABACHER. Would the gentleman yield for a question?

You have seen this video several times in its entirety, you said. Are you sure that the editing that has been done provides the safeguards that we are talking about so this wouldn't lead to attacks on—

Mr. SMITH OF NEW JERSEY. Throughout that video that point is made, that the overwhelming majority of Muslim belief decries the use of violence. These are extremists, and it is in their own words, and we need to hear it from their own words.

Ms. MCKINNEY. Would the gentleman yield, please?

I would like to ask if the 13-minute edited version has this language about not blaming all Muslim Americans or suspecting all Muslim Americans. Is that included in the 13-minute clip?

Mr. REVELL. The video never blames Muslim Americans or makes that leap that Muslims are—

Ms. MCKINNEY. The question is, even you say that all Muslim Americans should not be characterized as believers in terrorism and violence.

Mr. REVELL. What do you mean by "even I say?" I have spent 40 years protecting Muslim Americans.

Ms. MCKINNEY. I am just quoting what you said. I wrote it down here. So the question I have is, does the 13-minute clip have that kind of language in it as well?

Mr. ACKERMAN. Mr. Chairman.

Chairman HYDE. Yes, Mr. Ackerman.

Mr. ACKERMAN. I confess to having sent this to Members' offices quite some time ago—435 copies. It is replete with continuous disclaimers. And if anybody would like, maybe the Chair could lead us all at once in saying that nobody blames Muslim American—

Mr. ROHRABACHER. Does the 13-minute version we are going to see have those disclaimers—

Mr. ACKERMAN. I don't think there is any 13-minute section that doesn't say it.

Ms. MCKINNEY. Maybe it has a 15-minute clip that at least has a 2-minute clip saying—

Chairman HYDE. Would the gentlelady yield?

Ms. MCKINNEY. Yes, I will, Mr. Chairman.

Chairman HYDE. The Chair will make a decision. This is part of Mr. Revell's testimony. I don't believe in censoring the testimony of a witness or forbidding something because it might offend somebody's sensibilities. I think the point has been made again and again that this is not to demonstrate a tendency on the part of the majority of Muslims in our country to violence or to terrorism. With that, the Chair will direct the staff to show the video.

[Video shown.]

Chairman HYDE. We will now entertain questions. Mr. Lantos.

Mr. LANTOS. Thank you, Mr. Chairman.

I want to commend all three of our very able witnesses. With everything else having become globalized, we ought not to be surprised that terrorism has become globalized as well. I would like each of you to comment on the extent to which Hamas and Hezbollah, typically associated with the Middle East, are connected or related to or associated with or cooperating with al-Qaeda and this network in Afghanistan. Mr. Cannistraro.

Mr. CANNISTRARO. Congressman Lantos, in this investigation, both from the law enforcement point of view and intelligence point of view, there have been no indications that Hamas is connected or Hezbollah is connected. Al-Qaeda has the resources, the zealotry, and the willingness of its followers to commit suicide to conduct this operation. What we saw in that film is alarming, but it has nothing to do with al-Qaeda.

Abdullah Azam, who is shown in that film, was assassinated by bin Laden. There was a disagreement between them about the objectives—about how to carry out the objectives. Bin Laden wanted to carry it around the world and he wanted to focus on the establishment of an Islamic crusade in the Muslim world and Azam did not. So when we look at what happened on September 11, we have to be very careful to avoid connecting groups that may not be connected to it.

People talked about Iraqi involvement. Certainly Iraq operates on the principle of the enemy of my enemy is my friend, but there are no Iraqi assets used in this operation.

Iran has wished us harm in the past, and they conducted the operation at El Khobar in Saudi Arabia in 1996, killing several of our

young service people, but they were not involved with this operation.

We have to focus on the immediate objective, which is the nerve center in Afghanistan and its connections around the world. The problem is, if we lose this focus, we will not be able to root out this evil—and that has to be our immediate focus. Whether or not we want to make a reckoning with Iraq at some future point, that decision should be made down the road. In the immediate aftermath of September 11, we have to concentrate on rooting out the Taliban and bin Laden.

Mr. LANTOS. So you agree with my initial comments that we should view this war against terrorism as a sequential war and the focus for the immediate future needs to be on Afghanistan and on this group?

Mr. CANNISTRARO. I do, sir. I think there is no question that we should go after, as the President said, terrorists with a global reach. I think we have to attend to the immediate business at hand.

Mr. LANTOS. Mr. Santos.

Mr. SANTOS. I also agree with his testimony, and I would also mention that Afghanistan is a symbol. It is part of a myth of Sunni extremism right now, and that is a particularly important reason why that needs to be the first place that we would go after. The Taliban and bin Laden have been building that symbolism and that mythology, and I think it is time to take that back.

Mr. LANTOS. Mr. Revell.

Mr. REVELL. I don't know of any information that would indicate that either Hamas or Hezbollah was directly involved. However, the Hezbollah has been named in the indictment for the east African bombings as being involved in those bombings; and there has been substantial intelligence of at least cooperation with al-Qaeda by Hezbollah and Hamas. Certainly I don't think the extent to which other terrorist organizations were involved in this organization and supported it is known yet, and I think we need to remain focused. Certainly I think the evidence is that al-Qaeda led this and was the principal entity responsible, but we should not ignore the possible participation of other groups. They have participated and supported terrorist actions in the past.

Mr. LANTOS. Assuming that bin Laden and al-Qaeda are destroyed, what is the danger of repeating the mistake at the end of the Persian Gulf War where we left Saddam Hussein in power, in this case leaving other international terrorist organizations in power? Is it your view that once this task is completed we have to move on and destroy other international terrorist networks? Mr. Cannistraro.

Mr. CANNISTRARO. I believe that, as the President said, we should go after every terrorist group that targets Americans. If they carry out terrorist operations against Americans, I think we have the responsibility to our fellow citizens to go after the source and deter future acts of terrorism. We are talking about human life here, so I don't think there is any question that we should go after those groups that target Americans.

Mr. LANTOS. Is the record clear that Hezbollah has killed Americans?

Mr. CANNISTRARO. The record is very clear that the Hezbollah carried out operations against the United States, that the infamous Imad Mugniyah has carried out operations against the United States. It may have trained the people who actually did the bombing of Al Khobar at the behest of the Iranian government.

Mugniyah has become an instrument of Iranian intelligence. We haven't seen his hand or footprint here, and I wouldn't expect to, given the pattern of the suicide bombers themselves and the methodologies that they employ. It doesn't have Mognea's footprint on it. We know that the resources can be traced back to al-Qaeda from the personnel, the majority of whom were Saudis, to the money and the command and control apparatus. That all goes back to Afghanistan.

Mr. LANTOS. Mr. Santos.

Mr. SANTOS. I don't feel like I am able to comment particularly on Hamas or Hezbollah, but I will say this in terms of what you have to do in Afghanistan. I think it is not just a question of eliminating the Taliban. That is a prerequisite. But one needs to deal with the other dimension of extremism that has fused together with these Sunni extremists—that is a hypernationalist notion that we have seen in other places like Serbia that has to somehow be addressed. So extremism is extreme ethnic notions and extreme religious notions that are often different sides of the same coin, and I think that needs to be understood in terms of approaching these problems.

Mr. LANTOS. Mr. Revell.

Mr. REVELL. If we were able to completely eradicate the bin Laden network, we would still face terrorism. We faced it before. It existed, particularly the radical teachings of some of the extremists. As I indicated, the Ayatollah Khomeini was the first one who really started this, and his movement is Shia. The radical Sunni elements have now taken the vanguard. I am not a religious expert, but I have seen for the first time in my knowledge the cooperation of various extremist elements that are both Shia and Sunni and common objectives which have been very unique.

Certainly Hezbollah continues to be a threat to the United States. It has shown its ability to operate overseas in Southeast Asia, in South America. It has an infrastructure in the United States.

Hamas has a tremendous support structure. It has not carried out any terrorist operations in the United States, but it has a tremendous apparatus here for fund raising, for support of other types of activities. Hamas also has a unique footprint in Israel in that it does carry out humanitarian activities, giving it a rationale for fund-raising in the United States, much like NORAID and the IRA did in the United States early on when we did not have the ability to go after those type of activities.

So the short—the long answer, Mr. Lantos, is even if we are 100 percent successful in going after Osama bin Laden, even if the Taliban falls, we still will have perhaps an invigorated group of people against us of like-minded people who believe that the United States is the great Satan.

Mr. LANTOS. Thank you.

Mr. SMITH OF NEW JERSEY. [Presiding.] Mr. Gilman.

Mr. GILMAN. Mr. Revell, I want to commend you for bringing the film here. I think it is very important for our Committee to learn more about the network within our own Nation. What more should we be doing to address the radical jihad movement in our own country?

Mr. REVELL. Mr. Gilman, that is probably the most difficult issue that any of us in law enforcement and Congress and the courts face. Because, as I pointed out in the film, it is our very protections that afford these individuals to come to the United States and sometimes have domestic support but are largely an overseas apparatus and they operate here under our constitutional protections.

We cannot give up our constitutional rights, and I would never make that suggestion. We do have to be somewhat smarter in how we control our borders, who we let in, our visa process, our clearance process and more alert to those who would come in to abuse our hospitality and the atmosphere of our civil rights that exist in this society. I don't mean we should shut down our border, but we have to be more astute in how we clear people and what we allow them to do once they are here.

Mr. GILMAN. What about the network of people that we have already identified? What can we do about them?

Mr. REVELL. The President has taken action to freeze assets. We can look at the tax free 501(c)(3) status of many of these groups that are supposedly formed for educational and humanitarian purposes but whose purpose has proven to be or at least been alleged to be for direct support of terrorist organizations.

I think it should be clear that there is a right of people that are of the Muslim faith, people that come from the Middle East, to raise funds to support humanitarian purposes. That should be clear. But we also should have a mechanism to ensure that that is what those funds are being used for.

Mr. GILMAN. Thank you, Mr. Revell.

Mr. Santos, today's *Washington Post* notes the Taliban's penetration of the Pakistani intelligence service (ISI). Could you give us more details of Pakistan's involvement with the Taliban and how reliable is Pakistan as an ally in our war against terrorism?

Mr. SANTOS. Pakistan has been a sponsor and backer of the Taliban since the very beginning, which goes back to the Bhutto government, in fact. It has been a consistent policy of Pakistan. I think one of the reasons they did this was dealing with their own campaign in Kashmir, and so it allowed them to shift their training facilities into Afghanistan. Those facilities were able to benefit from the very networks being developed by the Taliban.

So I would say that Pakistan's involvement is significant. Many of the ethnic connections are within the Pakistani army and many of them are Pakistani Pashtuns. So you have links by family and clan that cross over the border. So you would expect that within the Pakistan military there would be significant connections from family to business with the Taliban and ultimately with bin Laden's network. So I think in terms of reliability one just needs to keep that in mind, and I think the issue of Pakistan being a dependable ally may be a bit more problematic than it was 10 years ago.

Mr. GILMAN. Mr. Cannistraro, would you like to comment on Pakistan?

Mr. CANNISTRARO. No. I would just like to support what Charlie said.

I think it is correct that the ISI, which has increasingly become controlled by fundamentalist leaders over the years, has promoted not only the Taliban but training in bin Laden's camps, which leaves them with complicit hands. We are relying on them for information about locating bin Laden and at the same time they have been in some way a supporter of him.

It is clear that President Musharraf of Pakistan has finally made the calculation that the Taliban has to go and that he is willing to support an alliance comprised of other Pashtun leaders. He is supporting the political process in Rome, for example, the one that ex-King Zahir Shah is trying to organize. So I think they have made a decision here to support us. I think they have decided to change horses.

But, nevertheless, there is a legacy here, and it will continue in the future because of their promotion of terrorism in Kashmir, and that makes them at all times an uncertain ally.

Mr. GILMAN. Thank you.

Mr. Santos, the U.N. states, and I quote,

"Funds raised from the production and trading of opium and heroin are used by the Taliban to buy arms and other war material and to finance the training of terrorists and support the operations of these extremists in the neighboring countries and beyond."

Shouldn't we be doing more with UNDCP and our own DEA to take the drug profits away from the Taliban and Osama bin Laden—profits that finance the terrorism?

Mr. SANTOS. Absolutely. In fact, initially the Taliban was just collecting a 30 percent tax on the opium, but by 1997 they were transporting it. They were buying it from the refining facilities and then selling it—so they made additional money on all that, and that was used to basically keep their war machine going. It basically financed their efforts to take the northern part of Afghanistan initially in 1997 and then back again in 1998. It is not a far stretch, since bin Laden and his people—as well as other extremists—were involved in those military efforts to create a link. This has gone on pretty significantly overseas as well.

Mr. GILMAN. One last question. Let me ask the entire panel. How can we improve the ability to try to penetrate the close-knit terrorist groups like al-Qaeda, where many of them fought together and know each other personally from fighting in Afghanistan? How do we penetrate groups of that nature?

Mr. CANNISTRARO. We need better intelligence. Intelligence is our first line of defense, and I think in this case it has failed us. We should do a retrospective. Why did it fail us? What do we need to do? What has the Central Intelligence Agency done or failed to do?

We have had a task force on bin Laden both at the FBI and at the CIA, yet neither service had any inkling that this was going to happen on September 11. We need a refocus and definition, which means we have to recruit people who by definition have

blood on their hands because they are terrorists. We have to get agents within the group. That means recruiting people already within al-Qaeda, or other people in the area who are likely to be recruited by al-Qaeda but who are responsible to us.

To do that, we are going to have to get our hands dirty. We have not been willing to do that. We have had a wave of political correctness that has affected our intelligence agencies over the last 10 years, sometimes for understandable reasons. I mean, there were human rights abusers on the payroll. So when Congress points this out and is critical, bureaucracy's reaction is to pull its horns in—to withdraw and to just do the safe thing and become risk averse. Well, that might be all right in Central America. It is not all right with terrorist groups. We have to take risks because they are the only way, taking risks, to prevent the taking of human life.

Mr. GILMAN. Thank you, Mr. Cannistraro. We hear that more and more these days.

Mr. Revell.

Mr. REVELL. Yes, sir. I want to go back to the point you made about the opium smuggling. If I am not mistaken, the United States provided something like \$47 million to the Taliban for an eradication program. You talk about naivete. I think we need to re-examine that process.

Certainly Vince is correct. Our human intelligence needs to be vastly improved. You cannot determine a terrorist organization's activities by technical means.

We have been—I could never understand why it was all right domestically for the FBI to recruit members of the Mafia, La Cosa Nostra, known killers who were the only ones that could penetrate La Cosa Nostra and give us that information, but the CIA could not use individuals of this type.

Now that doesn't mean that you in any way support or facilitate or accept those kinds of actions on their part; and, if they do, then you have to take action. But you cannot get some—a choir boy inside of these organizations. You have got to understand that the only people that can give you information on these kind of groups and structures are the people that will be acceptable to them, and we have to accept that as part of the responsibility we have in collecting intelligence.

Mr. GILMAN. Thank you, Mr. Chairman.

Mr. SMITH OF NEW JERSEY. Thank you.

Mr. Ackerman.

Mr. ACKERMAN. Thank you, Mr. Chairman. I thank the panel.

I would like to address a point that is conspicuous by its absence in the testimony of all three of our distinguished panelists today. I think a lot of us have heard from some constituents some misguided notions and we have also heard the same on some of the call-in radio shows that tie this in with America's relationship to Israel and our policy in regard to the Middle East, an area to which none of you refer in your testimony. As a matter of fact, I think it is only Mr. Revell who even uses the word Israel one time in all of his testimony, as I have read all three prepared statements; and it is not mentioned with regard to this particular issue.

It has been my contention and response to these who say, well, America should reevaluate its policies in the Middle East because

we are favoring one side or the wrong side, some say, and if this keeps up the conclusion to which they would lead us would be just to cut our relationship with Israel off and take a different perspective and change our view as was referred to as a mistake by one of our colleagues here in an opening statement.

From my vantage point, and I would like you to respond to this, they are not mad at us because we support Israel. They are mad at Israel because Israel represents the bulkhead of freedom and democracy that they see us as representing as the big Satan, represents that as a bulkhead within their immediate part of the world under certainly insufficient yet Islamic control from their point of view. And that while some of the other leaders in the area, whether it is Saddam Hussein or Arafat or whoever compared to bin Laden, that these individuals are a bunch of Mini Me's that have a very limited agenda, which is to kill all the Jews and get rid of Israel. Bin Laden seems to have a much larger perspective and that is to attack all of western values, and any change in respect to Israel would not really affect their view of us.

How would you respond to that?

Mr. CANNISTRARO. Mr. Ackerman, it is clear that bin Laden would do what he is doing regardless of what happened in Israel or the occupied territories. It is not the number one item on his agenda. He wants to overthrow the monarchy in Saudi Arabia, which is a U.S. ally. He wants to overthrow the government in Egypt. He wants to replace these regimes with a religious regime, a theological regime. So he started his campaign against us way back in 1992. It wasn't the chief objective. He wanted to drive the U.S. presence out of the Middle East. He wanted to drive it out of the Gulf. He wanted to drive it out of Saudi Arabia.

Now, certainly he adds fuel to his zealotry by focusing on what is happening in Israel, but that is not what drives him.

Mr. ACKERMAN. Thank you.

Mr. Santos.

Mr. SANTOS. Yes, I would agree, and I would just add that this is about Osama bin Laden and the Taliban in fact are about a purified notion of Islamic control over the so-called corrupted Muslim world. What they are seeking to do is throw out any American or western influence and push it out. So in that context, if Israel is even a base of western values, then of course that is part of it. The real threat I think is the United States, because it is the sole superpower and the leader of the free world.

Mr. ACKERMAN. Thank you.

Mr. Revell, I thank you very much for editing that down and bringing it to the Committee.

I do want to point out that Mr. Emerson is in the audience with us, and we thank him.

Mr. REVELL. He actually brought it.

Mr. ACKERMAN. We thank him for the public service he has done in putting this together.

In your statements and in your testimony you have been fairly critical of the FBI in several aspects. I want to ask you specifically, toward the end of your written statement you referred to tying in the assassination of Meir Kahane, the militant, some would say racist, American Israeli rabbi who was assassinated by a terrorist

in New York, and you tie that in with the bombing of the World Trade Center in 1991 and are critical of the FBI in not tying them together. And indeed I could tell you a lot more of that but not in an open hearing. And you say that that is because the FBI lacked the—loathed to undertake—I am quoting you, anything that had the appearance of being involved in the political process. The FBI was absolutely dead wrong then in saying that the people that were involved in the assassination were acting on their own, et cetera. You think—

Mr. REVELL. It is critical of myself.

Mr. ACKERMAN. Yes, I know; and I think that is courageous of you to historically note that at this time. But is that still the FBI's viewpoint?

Mr. REVELL. No, I don't think so. The difficulty—we were coming off in that period of time one of these periods of criticism for us being overactive in so-called political issues. So throughout the field the agents felt I am not going to get involved in this kind of thing unless I just have to. So in the Kahane assassination, the FBI didn't have primary jurisdiction. It was a local homicide, but the Bureau was looking over the shoulders of the NYPD to see if in fact there was any radical involvement. They missed and I missed, because I was in charge of FBI operations at the time, and it never came to my attention that there was this connection that ultimately led to the same group that was involved in the first World Trade Center bombing in 1993.

Mr. ACKERMAN. I am trying to understand this from an operational point of view. At the time of Kahane's assassination, I will assure you that it was pointed out to the agents at the time who were doing the investigation that indeed the person who was the assassin, who was apprehended on the scene, had an involvement with certain people who indeed now appear on this video who have a connection with that shooting range in Connecticut that also appeared on the video. And the FBI's assertion at the time was that this assassin acted completely on his own and had nothing to do with any other group. Subsequently, of course, he was convicted of the World Trade Center bombing in 1991.

Mr. REVELL. That was totally—

Mr. ACKERMAN. How would they conclude that after 3 days that this assassin was not connected when other very amateurish investigators—and I am not referring to Mr. Emerson at all here, I am referring to others—were able to come up and point this out to these agents who completely denied this as a possibility?

Mr. REVELL. Congressman, I don't know. If I was still there, I would have found out. I left after the Gulf War and went to Texas and wasn't there when the first World Trade Center bombing occurred, but it was clear to me, even from Texas, that we had missed it, missed it badly. And I did not know why that had occurred and it certainly had to be something that was reexamined as the way that the Bureau was processing information that related to the radical elements. Whether they be Jewish radicals or Islamic radicals or Christian radicals, it doesn't make any difference. If they espouse and contribute and directly support violence, they certainly should have been subject to serious scrutiny from the Bureau.

Mr. ACKERMAN. I appreciate the Chair's indulgence, and I would like to speak with you separately, privately.

Mr. REVELL. Yes, sir.

Mr. ACKERMAN. Thank you.

Mr. SMITH OF NEW JERSEY. Thank you.

First of all, and again I encourage all Members and really the American public to view that excellent journalistic piece by Steve Emerson. It lays out in their own words what many of these characters have planned, perhaps have even carried out, and it raises some questions.

I, as a Member of Congress now for 21 years, have been a very staunch advocate of refugees. When I chaired the Human Rights Subcommittee, especially because of the work that Committee does on refugee protection, we were able to enhance many of our refugee programs. We tried with some success to increase the amount of money for refugees over and above what the Clinton Administration had asked for.

So I say that as a backdrop, and I am joined by Members of both sides of the aisle on this who believe passionately in refugees.

All the more reason why, when we see an organization like al-Qaeda—and I would ask you to comment on that if you would—that apparently uses as a front a legitimate humanitarian concern while simultaneously acting as a cover for the bringing in of terrorists or those involved in terrorist activities. It is like taking a Red Cross truck and using it as a car bomb. All of the defenses are down. People are more likely to give it safe passageway. A 501(c)(3) organization which is doing ostensibly humanitarian work and may even do some but meanwhile has another agenda seems to me to be the most despicable act of all, to use it for anti-humanitarian work.

I would like you to comment on that individual organization. What was done with some of those individuals who made that kind of hate speech? Did that trigger any kind of investigation? Did they break any laws when they talked about making widows and orphans and using the sword and AK-47s and the like in order to kill people? That takes hate speech, it seems to me, to new dimensions.

Mr. REVELL. They have not been prosecuted for it. It is a difficult dilemma in our society. There has long been the principle that you can't cry fire in a theatre, but we haven't quite defined that when it comes to political rhetoric espousing a religious or political cause.

Many of them have since been banned from entering the United States. Hopefully, we have somewhat more control. These were not necessarily refugees. These were people coming in and out of the United States, and some of them probably could have been prosecuted on false documentations and passport violations. We did not have the best enforcement effort at this time through INS and certainly not the State Department's visa process. All of them have to be corrected.

Certainly we are a Nation of refugees. We continue to allow refugees. We have seen refugee status used to import entire organized crime elements in our society. It doesn't mean we should stop allowing refugees, but we certainly have to be smarter about it and

realize that not everybody who comes here believes in American values and is not a threat to us.

Mr. SMITH OF NEW JERSEY. Can you or any other panelist tell us where does free speech end and the commission of a crime begin? Did those individuals on that tape commit a crime?

Mr. REVELL. That is a judicial question. In my view, it becomes a matter of at least investigation when they specifically directly advocate violence and do so not in a general term but in a specific term. I think at that point they become at least a legitimate target for investigation.

Mr. SMITH OF NEW JERSEY. Let me just ask with regards to jihad networks. Since the production of that video, have the number of jihad networks increased, or stayed the same in America?

Mr. REVELL. Mr. Smith, I do not know. I have not been focused on this. You will have to ask other experts, including Mr. Emerson who in his investigative project has investigated this. But my focus has been the security of American business internationally, and I haven't followed this locally.

Mr. SMITH OF NEW JERSEY. Mr. Santos, you in your testimony—and Mr. Gilman did make some mention of this. You talked about the use of opium as a means of garnering revenues in order to spread their terrorist activities. Now that the world has been mobilized, and hopefully it will be on a sustainable basis, is it likely that opium revenues will be choked off?

Mr. SANTOS. I think one of the problems that the Taliban has had recently has been a massive drought in Afghanistan the past year or two. That has made real serious inroads in their ability to produce the kind of opium they would like. Also, they flooded the market to such an extent that I think they depressed prices. So they basically pulled back and stored what they had, waiting for the price to go back up. So they still have I think significant stores of opium, but they haven't been able to utilize it as effectively as they were in 1997 and 1998.

Mr. SMITH OF NEW JERSEY. Let me just ask Mr. Santos one question again. How does one measure the performance of the Government of Pakistan in the fight against terrorism? Is it by the capture of bin Laden, or are there some other measurement gauges that we might use to say whether or not they are acting in a truly responsible way?

Mr. SANTOS. I think it goes all the way to Taliban and are they really willing to sever the links that they have established, significant links; and if they are not, then I think you set the stage for others to utilize Afghanistan as a base of terror. So I think the test really is how far they really are willing to go to sever those links.

Mr. SMITH OF NEW JERSEY. Let me just finally say again—and Mr. Gejdenson, our former Ranking Member, and I and others, Ms. McKinney worked on legislation. And I went back and re-read the record from when we heard from the Administration. After the two bombings in Africa, Admiral Crowell convened a commission that looked into what would be needed to strengthen our diplomatic security, to follow up on Admiral Inman's ideas on how to strengthen and fortify without isolating our embassies missions abroad. And for the first year \$1.4 billion was his recommendation each year for 10 years.

For the first year everybody was gangbusters, let us do it.

Second year, up came the recommendation from the Administration, there was no new security money, which we in Congress did reverse. And it was done in a bipartisan way, I am happy to say. Clinton did finally sign our bill, the Embassy Security Act, which went under a number of names, but that was one of the titles we had given it.

But there was a sense of everybody was gung ho for a year and then it slacked off precipitously and put, I believe, our people at risk. Is it your belief that the fight against terrorism will be sustainable? Have we really learned our lesson?

My time is running out. I do want to say Steve Emerson deserves whatever the highest prize, Pulitzer, whatever it may be, for investigative journalism. He asked some of the most pointed questions and got back very feeble responses from people during the course of those interviews. I encourage every Member of the House and Senate and hopefully every American who can get access to it to view that. It is the most concise and succinct and troubling bit of journalism that I have ever seen.

Mr. SANTOS. In terms of the American foreign policy establishment, I think there are two points here that I noted when I was traveling through Afghanistan. One was I was the only American there. There were some people involved with humanitarian operations, but there was a very little cross-border travel on the part of various diplomats, and it seemed to me there was a tendency to depend a lot on Pakistan and that possibly was due to the relationship that evolved during the jihad. But it seems to me the United States has to have its own links and connections and sources of information.

And the interesting thing is, as an American walking and going through Afghanistan, everybody wanted to talk to me. They always thought an American, this person might be able to convey their ideas or their concerns. So I think there is a natural desire and interest on the part of many of these people, particularly in Afghanistan, to have those kinds of links. We have tended to use intermediaries, and maybe we need to take a few more risks in terms of establishing those direct contacts in dangerous places.

Mr. SMITH OF NEW JERSEY. Ms. McKinney.

Ms. MCKINNEY. Thank you, Mr. Chairman. I just have two questions, I think.

The first question pertains to an article published by the Heritage Foundation and basically it says—I will read it. It says,

“When the United States helped the Afghan resistance defeat the Soviet army in a brutal guerrilla war, it scored one of its biggest Cold War victories. However, shortly after Soviet troops withdrew from Afghanistan in 1989, the United States withdrew from active involvement in Afghan affairs. As a result, Washington squandered the residual influence that it had acquired through its \$3 billion aid program for the Afghan resistance in the 1980s. One former U.S. official intimately involved in Afghanistan policy lamented Afghanistan has gone from one of Washington’s greatest foreign policy triumphs to one of its most profound failures.”

The question I have there is, how can we turn this around in Afghanistan and in other places where this might be the case?

My second question pertains to intelligence failures.

We had two trials that gave us information about the financial and operational network of the bin Laden organization, the trials from the first World Trade Center bombing and the second trial from the U.S. Embassy bombings.

There also have been some newspaper reports. The *Los Angeles Times* reported on September 20 that Mossad had warned FBI and CIA officials that a major terrorist force of some 200 individuals was entering the U.S. and planning a major assault on the United States.

Secondly, a newspaper from the Murdoch group reported on Monday, September 17, 2001, that a man in the Cayman Islands wrote to U.S. authorities on August 29 and warned them that he had just overheard three Afghan men in a bar talking about impending attacks on U.S. targets.

It is also reported that a week later an Iranian in Hamburg, Germany, contacted the police and warned them of an impending terrorist attack against the United States using highjacked planes. Apparently his warning specifically mentioned the World Trade Center.

This same newspaper also reports of FBI agents tracking some of the alleged terrorists at their flight schools in the U.S. Also, there were reports that the CIA was told, as long as 2 years ago, that a suspicious group of Middle Eastern men were gathering in Florida.

The first question is, how can we turn around the situation in Afghanistan and other places where we might have foreign policy failures? And the second question is, how can we explain this abhorrent lack of intelligence failure when there were these leads that have reportedly come in? Mr. Cannistraro first.

Mr. CANNISTRARO. Yes, Congresswoman. I would like to take the second one first.

The alleged Israeli warning is nonexistent. The CIA made an unusual public declaration that there was no such report. In the aftermath of a great disaster, there are always these reports come up saying someone knew this, someone knew that. In every case that was investigated after September 11, they were proved to be untrue. So there was no warning. There was no warning at all. There was not a warning that was ignored.

Were there signs? Yes, of course, there were signs. We knew that Ramzi Yousef, as Buck mentioned, had planned to attack at least 11 aircraft out of the Far East. We knew that Ramzi Yousef also was the author of the first World Trade Center attack. We know that one of his subordinates was asked to pilot a plane into CIA headquarters. So there is a pattern there.

Should we have known or should we have had a better analytical grasp of the risks? Certainly. I couldn't agree with you more. But there was no specific warning. Those stories are not true.

Secondly, on Afghanistan, I agree that that was an amazing American policy failure. The previous Administrations—the Carter and Reagan Administrations—had as their objectives to bloody the Soviets and then drive them out of Afghanistan. There was a presi-

dential security decision made that our goal was to drive the Soviets out of Afghanistan. We were successful.

But then we turned and left the field. We left even though we had a moral obligation caused by our involvement to begin with. We had an obligation to assist the Mujahedin, to stay the course and to help reconstruct that country which had been bombed into the Stone Age by the Soviets. We didn't. And we left the field.

What happened was a return to the tribal rivalry, infighting and ethnic hatreds that had been evident in that country for hundreds of years. And we left it to the Pakistani government, which as we know, was responsible for the creation of the Taliban. So certainly we had a great policy success, and then we had a great policy failure. I agree.

This time, to avoid that, we have to be a lot smarter on how we act. I don't think we can choose a new government for Afghanistan, but we can certainly promote a federation. We can certainly promote a process which includes every tribe and every minority in that country.

Charlie mentioned the Shi'a Hazaras. Yet the Tajiks, the Uzbeks and, yes, the Pashtuns are the majority compared to the other groups. But we have to have a representative government. We have to promote a process, but the Afghans have to do it themselves. We can't pick and choose. We are not very good at that.

Mr. SANTOS. I would fully agree on the Afghan question.

I would add that one of the failures of U.N. efforts which I have been intimately involved with over the years has been a focus on power sharing—with a more immediate focus on trying to come up with a transitional government and with very little attention paid to the very structure of the Afghan state, which is part of the problem. Afghanistan historically, the only way it has been able to survive is in a more decentralized way. But there has always been an extremist element within the largest of the minority groups, the Pashtun, to impose a powerful central authority that would control all the other areas where these ethnic minorities are. And I think that idea is a failed idea and what we should try to do is promote and encourage a federated or confederated system where ethnic rights are protected, where people feel that their culture will not be smashed in the way the Taliban has smashed it.

One of the things that the Taliban did was destroy these Buddhist statutes, and people were arguing that this was somehow related to some notion of Islamic sense of idolatry. The Taliban knew what they were doing. They were smashing the Buddhist statutes because they were identified with a community. That community was the Hazaras population who lived in the central part of the country. And we ignored what happened. This kind of extremism has been at play.

So to do it right, I think, is to focus not on individuals but to focus in the longer term on creating a truly representative democratic and multi-ethnic Afghanistan. Immediately we would have to get rid of the Taliban. That is essential. The Taliban are an obstacle to Afghanistan on all kinds of levels, not only in the way that we have been talking about in terms of terrorism, but also the way they have been terrorizing the people of Afghanistan, particularly these ethnic minorities.

So I would suggest also to immediately help those fighting—
Ms. MCKINNEY. And women, too. They have been terrorizing
women, too.

Mr. SANTOS. On the intelligence failure, I mean, all I can say is what I saw. And I just saw so few American officials going to Afghanistan and so much dependence on other countries for information. I can imagine that these countries have their own interests and they pursue them. And if we don't understand that and we don't have our own lines of not only intelligence—it is not just in terms of the intelligence agencies but diplomats and others involved in this, then of course we are going to have a distorted view.

Mr. SMITH OF NEW JERSEY. Chair recognizes Mr. Royce.

Mr. ROYCE. Thank you, Mr. Chairman.

I would like to go right to a point that is before us in Congress. Why did the FBI and the CIA not have access to information that they needed? And to do that—I think the best way to do it, Mr. Revell, is to quote from some of the comments in your report.

In relation to the Oklahoma City bombing, you say, I don't think many people in the United States, including the FBI, would have known much about the militia movement at all. The reason is because that, under the Attorney General's guidelines as interpreted at that time and still today, the FBI nor the Justice Department did not believe that the FBI had the authority to collect information on groups that openly espouse the use of force and violence unless and until there is a criminal predicate.

You go on to say, the espousal of violence, the collection of arms, organizing to commit violence—these things would not necessarily have predicated an investigation and in fact, with the militias, they had not.

Then, as Former Deputy Director of Investigation of the FBI, you make some observations. You say, we have had a very strange coalition develop over the last 2 or 3 years in our Congress. Elements of the left and elements of the right have coalesced and come together to oppose a President of the Democratic party and the leadership of the Republican party in Congress in putting together anti-terrorism legislation that has been supported through three Administrations.

You go on to say, legislation which would withstand constitutional scrutiny, most elements of which have already been ruled on by the Supreme Court in other forms, such as roving wiretaps—which have already been adjudicated in organized crime—and drug cases as being constitutional.

You know, while the silent majority are not paying attention, forces on the left and forces on the right in Congress—admittedly they are very well-intentioned—but every day they are working to water down the bill the Attorney General has put before the Congress. They are working to water down what the FBI has asked for, removing things that the CIA has asked for. I think we need to contemplate that as Members of Congress.

I think we need to think about the fact that, as you said in your testimony, under the guidelines as they are today, the FBI is in the very unusual position of being perhaps the only organization that cannot take official cognizance of what people say, of what people do, of what people pronounce and promulgate until they do it. The

FBI is prohibited under the current guidelines and a provision of the Privacy Act from collecting public information even from groups who directly espouse the use of violence to accomplish their objective.

And to take the point home, you quoted a discussion with a Senator some years ago where you said,

"Senator, do you want us to wait until there is blood on the streets to act or are you going to authorize us to act on information that any reasonable person would assume to be true?"

And he said,

"In a democratic society, you may have to wait until there is blood on the streets."

Well, there is blood on the streets. And, as you concluded in your remarks, we have to reach a reasonable balance to allow those elements of our society charged with preventing terrorism an opportunity to carry out their duties and do their jobs. Right now, the balance is not there.

Well, we have a bill before us that is being watered down as we speak. I just wanted to ask you if you would give us your thoughts on what some of the tools are that we need? I also ask some of the other members on the panel as well.

Mr. REVELL. Mr. Royce, I made those comments, which were later printed in a book in 1996. I think they are even more true and relevant today. Now the Attorney General guidelines had nothing to do with the failure to detect the tragic events of September 11. If any information had come to the attention of the FBI, it would have been under the foreign intelligence guidelines and they give more latitude. If this had been carried out by a domestic group, then, of course, the guidelines would have been a problem.

I helped write the guidelines. I believe in the guidelines. I think they are very important because it tells agents what they can do and under what circumstances. But in putting together and in conjunction with the Privacy Act, the Privacy Act says you cannot maintain a file unless you have an investigation. The guidelines say you cannot have an investigation unless you have a criminal predicate. Well, if that criminal predicate is the blowing up of a Federal building, that is a very high price to pay; and I think it is reasonable to believe that if the Bureau had somewhat broader authority to pay attention to what is being said publicly and openly by groups espousing violence, that there is at least a chance the Oklahoma City bombing could have been prevented.

Now as far as the circumstance involving September 11, there, I think, we are talking about a matter of better analysis of information we might have had—and I don't know—Vince is probably correct. There have probably been a thousand reports since the fact and maybe two bits of information that can now be tied it. It is like having a 100-piece puzzle and you have two bits and you don't know what the picture is.

Well, the coming to the United States of Saudi Arabian nationals to take flight training is not an ominous act. They are an ally of the United States. Saudi Arabians coming here to take flight training probably has occurred hundreds of times. We recognize it by

giving student visas for vocational purposes as well. So, you know, in hindsight, we may go back and say that should have been an indication.

Mr. ROYCE. Let us say this. If we had been able to match that up with the fact that some of them had been accused of terrorism, then you could have put it together. I am a little chagrined when the Attorney General of the United States asks for certain tools that we have such a rush to judgment. Some are trying to water down the very provisions that our authorities are asking for in order to allow us to put together the analysis that would allow us to apprehend those involved in terrorism.

Mr. REVELL. As I indicated, it has been somewhat—as a citizen sitting out in Texas looking at the situation, I have been somewhat aghast at the fact that tools that we can use against organized crime and drug traffickers, we cannot use against terrorists, and that makes no sense to me whatsoever. The constitutionality of those tools has already been established, and certainly terrorism poses an imminent danger to us as much as drugs and organized crime.

Mr. ROYCE. I hope Members will all read your report here. But it is very, very helpful. Thank you.

Mr. SMITH OF NEW JERSEY. Mr. Payne?

Mr. PAYNE. Thank you very much.

I appreciate your testimony, and I just have a question regarding the new allies in this war on global terrorism, this global coalition. I heard, as it occurred several days ago, that the Government of Sudan is now going to be cooperating and that we are very happy that they said they are going to give us information.

As you know, bin Laden lived between Sudan and Somalia from 1991 to 1996. The bombing of the two African embassies in Tanzania and Kenya were done by themselves and people being trained in both Sudan and Somalia. The Khartoum government still has continuing aerial raids where they are bombing the people of the south. They have got a new bomb that has nails in it because the people are barefooted and then the nails are spread all over the ground so these people cannot walk or, when they walk, it is just very painful and infections come in and they become very ill.

The Sudan government is still allowing abductions by bandits who then take women and children and sell them back and forth. They condone slavery.

The Sudan government still is not allowing adequate food into the Nuba Mountains where there is starvation in large numbers.

The Governor of Sudan still says—whether you are Christian or atheist—that you must adhere to Sharia government, Sharia laws, their law of Islam. The Sudan government has kept terrorists there for all along.

All of a sudden—and these things are still going on—we now say that, one, we have taken off sanctions on travel of Sudan and Sudanese government officials. We have legislation which is going to require that anyone doing oil exploration in Sudan could not enter the capital markets in our country—that there would be sanctions against them. For the first time, we had the Sudanese government starting to shake a little bit because the oil companies were saying that they may have to pull out. Of course, the Sudanese are using

the oil money to buy more planes that are more accurate so that they can shoot down food planes that are coming in unauthorized.

Now we say that they are all right, and we are going to allow them to continue to do all these things. There was a meeting last week with the Government of Sudan with the SPLA, the Southern Liberation Movement, and they just bothered not to come because they are now our allies and our friends supposedly.

Do you actually believe that the Sudanese government is going to turn over all of its top information on bin Laden when he lived there for 5 or 6 years? Do you think it is as naive as our giving money for crop rotation to the Taliban to stop growing opium?

Maybe all three of you might be able to answer.

Mr. REVELL. I am not an expert on the Sudan. But I think it does indicate a somewhat naive position on our part to think overnight that they have changed from a state—we have them listed as a state that sponsors terrorism and that they have automatically changed over. I think we ought to be very circumspect in dealing with a regime that has been as ruthless and has been as supportive as it has of terrorist activities, not just Osama bin Laden but other groups as well.

Mr. SANTOS. I would agree with those comments.

Mr. CANNISTRARO. I don't think we ought to overlook any of those abuses that you cited, Congressman.

I would point out, though, under the Sudanese sanctions regime there are exceptions made for the import of certain foodstuffs from Sudan, including gum arabic. And that was done at the request of certain lobbies in the United States—mainly the confectioneries, because Sudan is the producer of gum arabic. So we have made tactical concessions in the past.

There is no excuse for any of the behavior that you cited by the Sudanese government. There is, however, a reason for the State Department to try and engage the Sudanese government to correct those abuses using the leverage of our pressure on them as a state sponsor of terrorism and list it as such to try and get them to correct those procedures.

They are very eager to get out from under U.S. scrutiny. Clearly, that is why they have enlisted themselves in the so-called war on terrorism. And they do have some information. Bin Laden does have a root in the Sudan. He has a network of companies. He has agricultural products that he has invested in, possibly including the gum arabic that we allow to be imported into the United States. So I think a process of forceful engagement is better than just completely ignoring the Sudan, because we do have an opportunity, through this crisis, to condition their behavior and behavior which is abhorrent to us.

Mr. PAYNE. I agree. The gum arabic was something that our Committee put restrictions on, also. But the White House overrode our sanctions. I moved the motion myself, and it was written into law. But it was overturned in the White House and the gum arabic—

And, like I said, the whole question of this horrific, unbelievable government still exists. There are close to 2 million people dead in the Sudan. I really don't think, you know, that there will be very much changes made there. I think they have had opportunities be-

fore. But I hope that we don't get back into the situation we were in during the Cold War where anybody that gives us a hand we say they are okay.

So we have got the former Zaire—which is the Congo now—where Mabuto reigned for 30 years and robbed the country of everything it had as we continued to give them World Bank money and as we continued to support them. Now we have seven countries fighting in the Congo over 30 years later. The fighting has been going on for 2 or 3 years with several million people dead—as a result of our saying, as long as Mabuto helped us, the rest doesn't matter.

I think we have to certainly wipe out terrorism and so forth. However, if we are going to go to bed with the devil, we are going to put ourselves in the same boat as those people who are doing the terrorist bombing and so forth.

I would like, Mr. Chairman, for Mr. Meeks, to ask unanimous consent to have his remarks entered into the record.

Mr. SMITH OF NEW JERSEY. Without objection, so ordered.

[The prepared statement of Mr. Meeks follows:]

PREPARED STATEMENT OF THE HONORABLE GREGORY W. MEEKS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF NEW YORK

I want to thank Chairman Hyde and Ranking Member Lantos for their strong leadership and clear bipartisan efforts in calling today's hearing.

As we learned on September 11th, when it comes acts of terrorism we are not Republicans and Democrats we are all just Americans. I would dare say that September 11th also demonstrated that for us to wage a global war against terrorism and win it, we can not be Americans against terrorism, we must be human beings against terrorism.

If we want the world to feel our pain and sense of loss as many have demonstrated, then we in this country can not afford to believe that can we isolate ourselves from the world, ignore our responsibilities in the world and not expect that sooner or later we will also be affected.

Let me say first and foremost I want to fight and win the war against terrorism, not just today or tomorrow, but in a manner which is sustainable over time. This means I want our government to fight this war the right way.

I believe that fighting terrorism the right way requires a multi-faceted approach. It involves law enforcement, security, defense and diplomacy on national, regional and global levels.

I've called for our government to not only think about how we wage the war, but to also think about how we engage those societies after the conflict. We must have a strategy, the political will and a demonstrated level of commitment to ensure that societies are not left in conditions of poverty, degradation, and humiliation which makes it easy for authoritarian governments, dictators, and future terrorists to flourish.

Fighting terrorism the right way in the future requires that we have learned lessons from previous policy actions and approaches to waging a war which have clearly blown back against us.

It is my belief that for America to win the battle in ways which won't lay the seeds to losing the war, there are two errors we can not repeat.

1. We cannot continue to conceptualize our short term strategic and security interests in the region, in ways which exclude, minimize or disregard the legitimate long term strategic and security interests of the societies in the region;

2. We cannot continue to pursue our foreign policy interests in the region with approaches and means which contradict the values, principles and morals which the American people expect their government to stand for.

This latter lesson is of critical importance for a number of reasons.

A. There have been calls for changes in certain types of actions and procedures by our intelligence and security forces as justifiable responses to September 11th.

Yes, we must be careful and clear to address areas which the events of September 11th revealed where our security and intelligence agencies face challenges or have deficiencies.

However, I am concerned by those who would suggest that our security and intelligence agencies have been overly hindered or burdened by civil liberty protections and rights to privacy and hence such rights and protections must be weakened.

B. There have also been calls for removing restrictions on our security and intelligence related agencies on being able to work with individuals and groups involved in human rights violations. Some have even suggested that relaxing the prohibition on government sanctioned assassinations should be adopted to fight terrorism.

While no one denies that extreme measures to respond to extreme actions should be explored, state sanctioned assassinations, restrictions on civil liberties, use of force to extract confessions, and arrests and detentions without charge have not been proven as solutions to solve the problem. Israel uses such measures and terrorism still exists. Great Britain used such measures in Ireland without much success.

While I don't seek to judge others, I also have a sense of caution about such measures based on our own long history of domestic and international actions, both of a covert and overt nature which not only crossed the legal lines, codes of conduct and international norms, but which often flew in the face of the principles, morals, values and rights which the American people expect their government to uphold.

I'm sure that my colleagues would agree that if our approaches to waging a war on terrorism involves getting involved in foreign civil wars, providing covert military assistance to non-state rebels, forming alliances with organizations that engage in drug trafficking, and formally supporting governments with known human rights violations all in the name of defending Americans, then we had better be sure that the American people are informed and support such actions. If we become like our enemy in fighting terrorism, then our enemy has won!

In the case of Afghanistan, I am concerned that as a means of fighting the Al Qaeda network and those who harbor them the Taliban, we would seek alliances with other groups which may be equally intolerant, undemocratic, and hated by many people in Afghanistan.

In addition, there are reports that some of the groups which make up the Northern Alliance forces fighting against the Taliban have been actively involved in the production of opium and international heroin trafficking in Northern Afghanistan.

I've also read reports that earlier this year, in the May 22nd *Los Angeles Times*, the Bush Administration provided \$43 million in assistance to the Taliban government to support their efforts to eradicate opium production and encourage farmers to grow food crops as opposed to poppies in Afghanistan.

Where do we draw the line? Are we going to tell the American people that attacking Al Qaeda in the war against terrorism, requires working with drug dealers that I thought we were attacking as part of our war against drugs?

In a sense, it is my strong hope that we would learn from our policy actions in how we fought the cold war in Afghanistan, and apply such lessons in how we fight the war on terrorism in Afghanistan.

Some argue that our policy of providing or coordination with the help of China, Britain, Saudi Arabia and Pakistan the provision several billion in weapons to the Mujahadeen (including the Taliban) including US made Stinger surface to air missiles, is now blowing back in our face today.

Other arguments are dis-engagement from Afghanistan after the Russians were defeated, because we are not in the nation building business, is partially to blame for the conditions which materialized to cause the civil war and the Taliban government.

Regardless which side you take, lets make sure that our previous policy approaches which are a factor in what Afghanistan is today, a shattered society, with a failed state, and millions of internally displaced and external refugees.

As we look forward, it behooves us to contemplate the ramifications of our approach to waging war against Al Qaeda, other international terrorist networks and states which support those networks. We can't simply adopt a highly militarized approach to a highly militarized society like Afghanistan which is in the midst of a political civil war.

I urge my colleagues to ensure that we give the same level of support for the international law enforcement, diplomatic, financial security and socioeconomic development components of this war, given to the military.

Given the complexity of the war on terrorism, the humanitarian situation brewing in Afghanistan, and the implications for regional stability vis a vis, India, Pakistan and the central Asian nations of the former Soviet Union, let us ensure that all of our policy actions reflect careful, deliberate and prudent approaches.

I want to win this war and there is little doubt in my mind that we will win it. But I also want to win it in a way that is sustainable over time. Hence as with all wars, how we win the peace is just as important. None of us want to win this

war, in a way which creates new problems and sows the seeds for events like September 11th to revisit America's shores again one day.

Mr. SMITH OF NEW JERSEY. The gentlelady—the Chairwoman of the International Operations and Human Rights Subcommittee, the gentlelady from Florida.

Ms. ROS-LEHTINEN. Thank you, Mr. Chairman.

As I had announced, the Subcommittee which I chair will be holding a hearing after our's on nuclear-related terrorism. I would like to ask you a question about that and also about the recent arrest of a senior analyst for the Defense Intelligence Agency related to Cuba and what connection there could be related to terrorism worldwide.

A study conducted by the U.S. Department of State noted that as many as 130 terrorist groups worldwide have expressed an interest in obtaining nuclear capabilities, among them, of course, Osama bin Laden. And earlier this year it was reported that the CIA had identified 12 terrorist groups that had attempted to actually buy enriched uranium and plutonium in order to make a nuclear bomb, groups including Chechyan separatists, Palestinian extremists and Islamic militants, such as Osama bin Laden. Further, information coming out of the trial of New York of bin Laden and others for the U.S. Embassy bombings also reveals bin Laden's interest in securing such nuclear materials.

In your expert opinions, what is the time frame for the terrorist groups to employ any nuclear-related terrorism against the U.S.? And what form would you predict that it would take? Would you agree with some that the threat would come from a combination of nuclear materials and conventional weapons and could orphan sources be used for nuclear-related terrorism? And orphan sources are those used in nonweapons military applications, such as medical, industrial and research.

And an additional question, it was reported in the front page of *The Washington Post* on September 28, just a few weeks ago, that Ana Belen Montes, the most senior defense intelligence for matters pertaining to Cuba, was arrested for spying for the Castro regime and its intelligence sources. In this *Washington Post* article, U.S. Government sources are quoted as saying that the investigation ended because Cuban intelligence could pass along information provided by this DIA spy to other countries. And Government sources stated that the Castro regime has been noted to share information with Libya, Iran and others and other regimes who might be sympathetic to Osama bin Laden.

We know that Montes had access to the most sensitive U.S. military and security information. How much and what type of intelligence could have been compromised by this DIA analyst spying for Cuba? And how much intelligence could have been provided by the Castro regime to those states which have support for attacks such as the ones on September 11?

Mr. CANNISTRARO. Congresswoman, let me take the first part of that and defer to Buck for the second part of it, because it really is counterintelligence methods to which he is better schooled than I am.

There is no question that there is an alarm about the use of chemicals and biologicals as a possible terrorist weapon. What we

saw on September 11 was neither. However, we saw almost 7,000 deaths. That means that terrorists will tend to use conventional methods because they are easier to use. If they can inflict mass casualties, they will choose to do that.

Now if they can acquire uranium 235, for example, which we know bin Laden has attempted to acquire, is he trying to make a bomb or is he really trying to make a dirty conventional bomb? In other words, to add uranium 235 to a conventional explosive would, when it is detonated, disseminate the radiation from that uranium over a wide area, thereby contaminating that area and making it unusable and unlivable for untold numbers of years. That seems to me more likely as an immediate threat.

Terrorists will tend to use the conventionals. We spend a lot of money worrying about biologicals and about nuclear weapons and nuclear weapons in a suitcase that can be put on a ship, et cetera. Those tend to be more like Hollywood scenarios. Not that they wouldn't do it if they could. They would. But why invest in that kind of skill level and that kind of money that you need to develop that weapon when you can use conventional explosives to inflict mass casualties?

So I see it as a threat, but I don't see it as the immediate threat. I see it as something for us to be concerned and worried about.

In terms of chemical weapons, we know that a person in custody was interested in acquiring crop dusters. Perhaps it was to be used to spray chlorine gas, which is deadly. Now that could have been an instrument to inflict a lot of casualties. How many we don't know, because wind currents play such a large part—there is a lot of chance in the dissemination of a gas, as we saw during World War I. It is better utilized in an enclosed area rather than an aerial spray. Inserted in a building that uses recirculating air, it can be quite deadly. Sprayed over a mountain top in West Virginia, perhaps it will have no effect whatsoever on humans.

I defer to Buck for the other part of that.

Mr. REVELL. The first World Trade Center bombing, the participants actually contemplated and tried to find radiological materials to spike the bomb so that the scene of the devastation would be contaminated and rescue operations and even a return to any type of use would be very difficult. They could not obtain the quantity and quality of radiological materials in the time frame they were concerned with, but that certainly was one of their plans.

As Vincent said, Osama bin Laden has been in contact with various sources, including Russian Mafia groups, in an attempt to obtain radiological materials, perhaps even tactical nuclear weapons. There appears to be—and this was a question much better answered by people in active service—no indication they have been able to do that yet. But if they kill and intend to kill 6 or 7,000 people and intend to kill 50 or 60,000 people, there is no reason why they wouldn't deploy and utilize tactical nuclear weapons if they could obtain them. And unfortunately there were many, many at the time of the demise of the Soviet Union that were in less than secure circumstances that we still have to be concerned about.

Again, they can, with just using conventional explosives and conventional methods, can wreak havoc on our society. They can de-

stroy our infrastructure. You don't need to use chemical, biological or nuclear weapons to do tremendous damage to our society.

Another element of this is the potential of cyberterrorism, which can, again, once we are so connected system-wise, that that offers tremendous potential. There are many, many ways to create tremendous mischief worldwide and damage to our society without turning to the weapons of mass destruction.

However, we have seen the Aum Shinrikyo in Japan were in fact experimenting with all three forms of weapons of mass destruction. That is a precedent that others have looked at. We cannot ignore that.

The Center for Strategic and International Studies has done an excellent study on the potential use of or potential access to nuclear materials by organized crime and terrorist groups. I participated in that study, and I would refer that study to you. I think it is a very sound study on that issue.

On the issue of the Cuban intelligence, Cuba, for many, many years has just beat us up something fierce on their intelligence operations. We had a number of Cuban double agents who were actually triple agents and had been working against us while we thought they were working for us. Our counterintelligence program, both within the Agency and the Bureau, failed to detect them.

Of course, there is a very large Cuban population in south Florida, 99.9 percent of which are loyal to the United States but, within that, there is that $\frac{1}{10}$ of 1 percent that are still in favor of supporting Castro. And that provides access to a lot of information.

Any intelligence analyst in a position of authority or access in the DIA, CIA, the National Security Agency and the FBI can do tremendous harm to our national security by providing access to highly classified information. We have certainly seen that in every agency over the past 10 years.

So I will have to wait and see what the public reports are as far as the amount of damage done, but I would expect it to be substantial. And indeed Cuba does provide a great deal of intelligence to third world countries that are also supportive of Cuba.

Ms. ROS-LEHTINEN. Thank you very much.

Mr. SMITH OF NEW JERSEY. Gentlelady from California.

Ms. LEE. Thank you very much, Mr. Chairman.

Thank you for your candid testimony today. Let me ask you a couple of questions.

First, given the number of terrorist organizations and cells in several countries, including the United States, what type of military actions do any of you see as appropriate to accomplish the goal of stamping out terrorism?

Secondly, let me just ask you, following up on the gentlelady's question with regard to chemical weapons and nuclear weapons and access by terrorist organizations, do you think or do you believe that our intelligence community is up to snuff on the status of that?

Also, I would like to hear what your assessment is in terms of the links to Abu Sayyaf in the Philippines and how those links to Osama bin Laden relate to Saudi Arabia.

Mr. REVELL. The military operations are not going to be appropriate under all circumstances, even to go after al-Qaeda and Osama bin Laden. There are places, for instance, in the United States, Canada, Germany, France, where there are elements that are very much in support where you would not use military operations. You would use law enforcement cooperation, as we have seen with the trials that have already occurred.

There are five ways to deal with terrorism, and they are not mutually exclusive. You have diplomatic initiatives, economic sanctions, covert operations, military operations and law enforcement activities. In this battle we are going to need to use them all, and we are going to use them in coordination and concert. But some activities are going to apply in certain areas and others at other locations.

We certainly wouldn't send the military in, you know, to an allied country where there may be a support apparatus. On the other hand, we may send a covert operation into an area where we don't want there to be public acknowledgment of our activities and even the government there may look the other way while we go in and carry out a covert operation.

Military operation should be in those areas where we do not have access otherwise, and that is the only way in which we can reach the terrorists. So I think that that is important, to remember that we have multiple ways to deal with terrorism and need to use all of them.

Abu Sayyaf was directly involved with Ramzi Yousef. It is a Muslim extremist organization. It has attacked Americans and killed Americans. Even though it doesn't have a global reach, it has access to the global network and should be one of the organizations on our target list that needs to be dealt with.

Mr. CANNISTRARO. I would just add to what Buck said about Abu Sayyaf. That group was funded by the brother-in-law of Osama bin Laden, a man named Mohammad Khalifa. He also helped set up the Islamic Army of Aydin in the mid 1990s in Yemen, and that was a group that supported the attack by bin Laden's organization against the USS Cole. But Abu Sayyaf's group has kind of degenerated into a bunch of criminals and thugs. They do a lot of beheading and kidnapping for ransom but kind of lost their objective, direction sometime in the late 1990s. I don't think that they have a lot of support from bin Laden, at least financial support, at the present time.

In the use of the military, clearly we are not going to be using the military in any conventional sense. If the primary objective is to get bin Laden and the nerve center in Afghanistan, then we are going to have to use unconventional warfare. We are going to have to use special forces. We are going to have to use covert action. We are going to have to try and peel away the support that the Taliban has in Afghanistan because they are the protector of bin Laden. And that means peeling away some of the tribal leaders in provinces such as is in Paktia and Vardak.

I think that process is already under way. I think there is probably already some success there. You need to be able to limit any kind of a direct military confrontation because it is going to be bloody and there will be a lot of casualties.

Ms. LEE. Do you foresee any time when actual bombing would be necessary as a military strategy in any of these countries?

Mr. CANNISTRARO. I think if some of the actions under way right now are not successful, there will have to be bombing of the air-fields, particularly of the Taliban air-force. They have been able to put together several aircraft left over from the Soviet war and the old Kabul regime and may be able to put 30 MiGs up in the air at any given time. And they have helicopters for troop carrying. Those would have to be destroyed before any action takes place to avoid the Taliban being able to use that against U.S., British and whatever forces may be in Afghanistan.

But bombing of civilian areas, Kandahar and Kabul, would be worthless. All you are going to do is kill a lot of civilians. There is nothing there to bomb. There is nothing of an infrastructure that supports terrorism that you can destroy with cruise missiles. You may want to bomb the terrorist training camps themselves. But, again, there is not a lot of infrastructure to destroy.

The only significant bombing—and I am not running the war, that is for sure—would be the mountain redoubts where bin Laden is believed to be holed up with some support apparatus. Once he can be located, perhaps that is a fit target for limited bombing but certainly not of urban areas or cities.

Mr. SMITH OF NEW JERSEY. Chair recognizes the gentleman from Michigan, Mr. Smith.

Mr. SMITH OF MICHIGAN. Thank you, Mr. Smith.

Seems to be one target might be the opium warehouses. We talked a little bit of drugs and opium and other drugs doing a lot of the financing for the Taliban and certainly a lot of the other terrorist organizations. This morning's news column has a report from the U.S. Drug Enforcement Agency that the amount of opium flooding out of the Taliban warehouses in Afghanistan has increased 400 percent since the September 11 bombing. It seems like, for several reasons, because of the damage that it causes and because of the fact that it is one of the main financing tools of the Taliban and some of these terrorist organizations, why hasn't action been taken thus far to destroy the centers of production and warehouses of these drugs?

Mr. SANTOS. I mean, I think that there had been a policy before the events of the 11th of September, at least at some level, to look at potentially engaging the Taliban. And as other witnesses here have said, that was, you know, kind of farfetched, but, nonetheless, maybe that is what was going on, a hope that they could convince the Taliban to stop production.

But I completely agree that at this stage—and this should have been done long before, but the Taliban have been using drugs to fund their war machine.

Mr. SMITH OF MICHIGAN. Well, at this stage, obviously, they are probably doing it for a couple of reasons. One is to bring in more money now to better protect themselves in some way, and the other is to disburse those drugs out of those centrally located warehouses so it becomes more impossible to destroy those drugs. It seems like it is a mistake not to have gone farther.

Let me follow up with a second question. Does the Administration—are they preparing a plan to eradicate opium production in

Afghanistan, assuming that the Taliban and bin Laden are going to be overcome?

Mr. SANTOS. You would hope so. What I would say is that the first step is to get rid of the Taliban. They are the ones who control the drug trade in the beginning, and they increased—as they consolidated their power, they massively increased drug production. So a number of the northern groups were much less involved. More of the fertile fields are in the south, in Helmand and in Pashtun areas, in Jalalabad or outside of Jalalabad, in Nangarhar Province.

But I would say the first step to doing that would be supporting the Northern Alliance.

Mr. SMITH OF MICHIGAN. I think the first step probably would have been—as I understand it from CNN and other television reports, they have been stockpiling huge quantities of opium, trying to make sure the demand would be high enough to make their greatest profit on that opium. And now it seems to me we can conclude—at least on Monday morning quarterbacks—that that was a mistake. Some of those opium warehouses have a tremendous volume of opium that is now disbursed and probably going to be much more difficult—

Mr. SANTOS. They are going to have a problem to disburse that if they are engaged in battles with Northern Alliance forces. They are using their military equipment, their transport equipment, to move some of that stuff. So if they are now in a situation where they have to defend themselves against these kinds of attacks as well as potential hits against those warehouses—

Mr. SMITH OF MICHIGAN. Since September 11, the Taliban have increased the dispersion by 400 percent, and that is significant. And 400 percent times the 3½ weeks since then wherever we are—do they have other sources of export revenue besides drugs?

Mr. SANTOS. I think they are benefitting from bin Laden's network. So they are getting money from bin Laden and also getting money from Pakistani authorities as well as money they were getting in the transport trade. So goods would come into Afghanistan and then be smuggled across to Pakistan. So they were able to make money that way as well. Since the border has been shut down, that should constrain that somewhat, but they still have access to—

Mr. SMITH OF MICHIGAN. Can I ask about what seems to be a very difficult solution to a difficult problem? That is, as I understand it, most of the terrorists are orphans, young boys, that have been taken in and put in these strict religious schools—indoctrination if you will, brainwashing, if you will. So it is just not an instantaneous—here is a guy that looks like a good terrorist. It is over-the-years indoctrination of these young boys that are abused—sometimes sexually abused—so that their only goal is to kill themselves or die in such a way that they think Allah approves in order to have a good eternity.

If that is the case—and to the extent that it is not the case and I am not right, tell me—but what do we do with all of these thousands of young terrorists that now have been schooled over the years with that kind of philosophy?

Mr. SANTOS. That is a very big problem. These madrasas have been built over the last 10 to 15 years. This is one of the things

that were an outgrowth of the jihad period. They have been funded, and often people are funding these maybe not knowing completely what they are being used for. There are thousands of them in Pakistan and in Afghanistan, and this is a training area.

I think the way that you would approach this, though, is, once again, you have got to break the Taliban and their ability to maintain these facilities and—

Mr. SMITH OF MICHIGAN. Is it correct that most of the facilities are in Pakistan and Afghanistan but mostly funded by the Saudis?

Mr. SANTOS. I think there has been a fair amount of funding coming from Gulf countries, including Saudi Arabia. Absolutely. But you found an increase in the number of these madrasas in Afghanistan. You are right. Originally, they were multiplying very, very fast in Pakistan—still are. But as the consolidation of power occurred under the Taliban, the Taliban was inviting that money to come in and help establish those same types of schools.

Mr. SMITH OF MICHIGAN. An interesting answer to a question that was asked to some—when we met with the exiled King Shah in Rome—was how much would terrorism be reduced if bin Laden was captured or killed? Their estimate was 4 to 5 percent. Would that be consistent with your evaluation?

Mr. SANTOS. I mean, if you are talking about just bin Laden and not the Taliban and the other networks that are really part of that—I mean, it is all interrelated. They are not separate things. I mean, if you were just to take out bin Laden, I am sure that would have some effect. But you have got to root out all of those people. There are thousands of these extremists in Afghanistan right now and have close links with the Taliban. So I think you would have much more of an effect if you were able to do that.

Mr. SMITH OF MICHIGAN. I think the Chairman is going to say my time has expired.

Since the Church Commission, the CIA has been discouraged under executive order from getting information on these nasty kind of individuals. Should we change that?

Mr. CANNISTRARO. I just want to add one thing to what your question was addressing about the source of the people. Certainly a lot of them do come from the madrasas, and that is a failure of education in Pakistan, because these are almost religious educations, and there are very few secular subjects that are taught in these madrasas. The Minister of Education—the Taliban, for example, doesn't have a high school education. So that is kind of representative of the mindset of those people.

But in terms of the terrorism being—terrorists being drawn from poor families—and that certainly was the paradigm we saw for a long time—but it has changed now. We saw that a number of the Saudis who were suicide bombers, for example, on September 11, don't come from that kind of environment. They come from elites—not all of them but many of them did. They come from privileged families. They don't necessarily come from poor, desperate families. So that speaks of something else. We have to understand what motivates people like that. What kind of religious orientation is it that they can grow up with the idea that they can go to paradise by killing people?

So that is something for the intelligence community to address and to understand, and that is one of the major failures, both in our law enforcement and in our intelligence agencies. We don't understand the nature of this kind of terrorism.

We have to do a better job. We need linguists, obviously. We need area specialists, obviously. We need them both in law enforcement and at the intelligence agencies as well. But we need a better focus on understanding what the nature of this threat is if we are to have any success of defeating it.

If you kill bin Laden—even if you kill Ayman Al-Zawahiri, his number two, terrorism and al-Qaeda will not disappear. There is a whole network that does depend on the nerve center for its motivation, for its leadership, but it won't disappear just by the eradication of the people in Afghanistan. That has to be addressed.

Mr. SMITH OF MICHIGAN. I would like to offer my thanks for the witnesses and for their knowledge and testimony.

Mr. SMITH OF NEW JERSEY. Thank you, Mr. Smith. If you have additional questions—

Mr. SMITH OF MICHIGAN. My other question, of course, is the intelligence agencies seem to have adopted sort of a defensive attitude toward terrorism. What is being done so we can protect and add to the security on sort of a defensive way? But it seems to me that there has got to be a little more aggressiveness in terms of being on the offense. And I think I have heard you sort of suggest that, but it is easy for us politically to lean toward the defensive side with Tom Ridge and the defensive effort. But if we are not going to have a good defense without a good offense, how do we improve—

Mr. REVELL. The only offense that we have had have been the ones I have talked about, political, economic. We haven't used covert operations, and we haven't used the military. So we have had limitations. Certain places you cannot reach with law enforcement. I mean, you have lawless areas and areas where there will not be cooperation. So law enforcement actions are not going to work. It is difficult to mount an assault until you have the tools to carry out an assault. And certainly in the limited areas where you could not go in with a law enforcement operation and you had no political or economic clout, then covert operations probably primarily and military operations lastly would be the only way to reach; and we haven't been willing to do that.

I talked earlier in my testimony about the Hezbollah and the campaign they have carried out against the United States since 1982, and we never scratched them. We know where they are, we know where they have been and their camps and locations, and we have never done anything to them. So it doesn't take a stretch of the imagination for them to believe that we are probably not going to do that in the future.

Mr. SMITH OF MICHIGAN. What do you suggest for changes, more legislative authority or legislative action?

Mr. CANNISTRARO. I think I hinted at this earlier on. I mean, our intelligence agencies have been become risk averse. They have become bureaucracies. They are responding to the threat as bureaucracies do. They answer the mail, and they are very efficient, but

they don't take proactive measures, and they don't go after the nature of the problem with all of the resources at hand.

Covert action certainly is part of it, and all the tools in our arsenal are part of it. But unless we know how to apply those tools, we are not going to have the right effect.

We need supporting legislation. I think that is true. I think we have to have a focus on anti-terrorism that recognizes that international terrorism has transparent borders. We have artificial distinctions between where we collect our intelligence and how law enforcement is perceived.

Buck referred to the problems of law enforcement not being able to get at the sources of some of these things because they are beyond the reach of law enforcement. In many cases, they are beyond the reach of intelligence resources as well.

But when we prosecuted the people for the East African bombing, we did a good job. We prosecuted those, and they have been sentenced, and then we declared a great victory. But it was no victory. What we did was put in jail and put away secondary players, soldiers, not the generals. The generals remain beyond our reach in Afghanistan and some other places.

So we need to have a new definition of what terrorism policy should be. We need to have a more articulate policy, and hopefully we will under the spur of these events of September 11.

Mr. REVELL. We have to have the political will, Mr. Smith. We have never had it, and we have to have it. And the only way is to go forth and do it with our allies if possible.

Mr. SMITH OF MICHIGAN. Mr. Chairman, through you to the witnesses would it be possible or would you consider just each of you making a list of three or four or five areas where you think you should have more legislative action or support in some way or the laws should be changed in some way? Would you consider, Mr. Chairman, with your permission, if they would submit that to the Committee?

The SMITH OF NEW JERSEY. That is an excellent idea. And if you could get that to us hopefully in a timely fashion.

Mr. REVELL. I hope you know that none of us speak for the Government.

Mr. CANNISTRARO. If we did, we would have been fired today.

Mr. SMITH OF NEW JERSEY. We do appreciate your candor.

Thank you, Mr. Smith, for your questions. Your expertise and professionalism is certainly highly apparent and will help this Committee and, by extension, the Congress and the American people to further combat terrorism.

I do have one final one question. But before I do that, without objection, a statement by Mr. Menendez will be made a part of the record.

[The prepared statement of Mr. Menendez follows:]

PREPARED STATEMENT OF THE HONORABLE ROBERT MENENDEZ, A REPRESENTATIVE
IN CONGRESS FROM THE STATE OF NEW JERSEY

September 11th changed America forever. Not one American in this great land will again view security as it was before September 11th. Not one American *can* view security as it was before September 11th. This truly is a new world order.

As a Member of this distinguished Committee, and as the chair of the House Democratic Task Force on Homeland Security, I want to lay out principles that I

believe are vitally important as we undertake what may be the most important work of our generation.

First and foremost, we must protect our people. Our children, our brothers and sisters, mothers and fathers; grandmothers and grandfathers; friends and neighbors.

Second, we must protect our homeland. We must use every single tool available to us in this great democracy, and in this great institution—the House of the people—to secure our physical infrastructure: electric power grids, nuclear plants, food and water supply, information and communications systems.

Third, while leaving nothing out, we must preserve our Constitution because it is the precious foundation of all those privileges of freedom that we hold so dearly in our hearts.

Next, allow me to address the situation at hand.

Perhaps the greatest challenge before us is that the nature of the threat does not allow for much margin of error. Adequate preparedness and response to biological and chemical attacks, for example, is not something we can get wrong. It will require highly effective and unprecedented cooperation and coordination among federal, state and local authorities. The announcement by the President of a new cabinet-level Homeland Security chief acknowledges the seriousness of the threat. This challenge is fundamentally different than, say, ensuring that we do not repeat the errors of last year's presidential election.

As America and her coalition partners take the first concrete steps to confront the terrorists of the al Qaeda network, let us consider that the world has entered a new national security paradigm: the international fight against terror represents a new but different kind of Cold War. We face new strategic choices on multiple fronts to address challenges of unprecedented urgency, complexity and risk.

Like the Cold War, the new struggle has many fronts, many layers and is a long-term undertaking. We will have to fight hundreds of battles large and small, overt and covert, in a war that will take decades and a united international coalition to win. Conventional armed forces and conventional warfare will be either supplemented or supplanted by new unconventional combat methods that target terrorist groups and networks such as al Qaeda, and will be assisted by intelligence and law enforcement agencies that bring unique assets to the new battlefield.

We have to tread very carefully—and discreetly—as a nation and as coalition partners. Sooner or later, we will strike at the forces of terror. After that first strike, we can expect coalition support may slip a bit and become more difficult to maintain. Just maintaining support for sanctions on Iraq has been very difficult.

If we want to target terrorist groups within other nations, we will not have an easy time in obtaining the support in particular of Islamic nations. Thus, we must be mindful that poverty, powerlessness and hopelessness throughout the Islamic Middle East and South Asia only aggravates the problem and supplies the youth lost to extremist organizations such as al Qaeda.

As with the Cold War, broadening economic development, expanding democracy and increasing educational opportunities will be critical to securing victory. We and our coalition partners may well have to rethink our approach toward international operations. An annual US Foreign Operations budget that is equivalent to the aviation bailout bill of \$15 billion may not be adequate.

But if assistance efforts are to succeed, they will have to be linked to economic, financial, democratic and justice-sector reforms throughout the Islamic world. Even as we seek their support in a coalition against terror, our Islamic friends will have to undertake domestic reforms if we are to really arrive at workable solutions in the international struggle against terror.

It is important to point out that in addition to pure evil, the root of the problem that we must address here is not our policy toward Israel. The root of the problem is the utter desolation and despair of millions in the Islamic world that enables a megalomaniac like Usama bin Laden to lure disillusioned and alienated youth in the Islamic world to their deaths through unspeakable evil deeds while he lives on.

Autocratic regimes, in most cases corrupt and repressive, run most Islamic nations today. Many of them are now willing to work with us against the terrorists. In turn, we will have to work with them to develop viable economic opportunities, political freedoms and hope for their people.

Like the Cold War, this is a battle of ideas. To win, the international coalition against terror will have to use effectively the tools of information and public diplomacy and deny the terrorists success in their use of those same tools. Despite our anger, we must avoid engaging in inflammatory rhetoric that would validate the desire of the terrorists to frame this as a struggle between religious and secular forces—Islam versus the West, in this case.

In conclusion, in times of tragedy, America pulls together and America gets stronger. We have some serious and difficult challenges ahead. But we defeated the

forces of evil in World War II. We turned economic crisis into economic opportunities and beat the Great Depression. We can and will defeat these forces, too.

Mr. SMITH OF NEW JERSEY. The extensiveness and the worldwide reach of al-Qaeda is impressive. How does bin Laden communicate now? Is it by cell phone, courier, e-mail? How is he getting the message out to his fellow terrorists?

Mr. REVELL. There was a very unfortunate circumstance not long ago where we had been able or our intelligence community had been able to track and trace a satellite phone that was being used. And our news media felt they had to disclose that, and of course that source immediately dried up. Now almost all of their communications are by personal dead-drop and traditional intelligence means, which makes it very difficult to intercept.

Now some of the players—you still get some telephone calls and some e-mails, but the core is really much more circumspect now than they were in the past because of the knowledge that we are looking and listening and very possibly will intercept their communications.

Mr. CANNISTRARO. They have become very sophisticated. They understood that we were using technical means and they didn't get off the air as a result of that, but they used those means to use this information to mislead us. Before September 11, all eyes in the U.S. were on the foreign threat that bin Laden was going to attack embassies, bases in the Far East, Middle East, Southeast Asia. We had no inkling he was coming here. He has been able to use deception to his advantage.

Another way he communicates is by courier. He does use e-mail, but his field generals, not him himself.

Mr. SMITH OF NEW JERSEY. Let me just again thank you—there will be some additional questions sent—if you could respond for the record, we would appreciate it.

I just want to make note that immediately following—it should have been under way right now in this room, which is why we do have to conclude—Chairman Ros-Lehtinen will be holding a hearing, a very important follow-up to this hearing, the role of the International Atomic Energy Agency, IAEA, in safeguarding against nuclear terrorism. Representatives from State, Energy and the Nuclear Regulatory Commission will be testifying. So the full court effort to get every bit of information as to how to go from here is under way, and we hope the Congress can be responsive and the Administration, to try to mitigate this threat.

We thank you for your testimony. It was very, very educational and again will help us do a better job. And please stay in touch.

[Whereupon, at 1:20 p.m., the Committee was adjourned.]

A P P E N D I X

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PREPARED STATEMENT OF THE HONORABLE EDWARD R. ROYCE, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

Thank you Mr. Chairman.

As we will hear today, we're facing a threat that is new to the American people: networks of sophisticated terrorists who are willing to die for their despicable cause, and terrorists who are seeking, if they don't already have, weapons of mass destruction. In fighting this terrorism, we as a nation have little room for error.

The American people want their government to respond to this crisis. The American people are now focused on what is the prime responsibility of the federal government: the defense of the nation. The work of this Committee, always important, will be ever more important.

President Bush is undertaking a very complex war against terrorism. So far, so good, but this undertaking has really only begun. The American people need to take the President's words seriously: this will be a long campaign.

We also need to act at home. The real world has hit us in the face. The peoples' representatives in Washington can't be prisoner to ideologies which would deny our law enforcement agencies the tools they will need to combat this new style of terrorism at home. That is the debate the House will soon have.

Unfortunately, we're seeing an upsurge of hate crimes associated with the terrorist attack. I've had some in my District. Those Americans who would be an unwitting tool of the terrorists seeking to destroy American freedom must be deterred, and apprehended if they act.

PREPARED STATEMENT OF THE HONORABLE JOSEPH R. PITTS, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF PENNSYLVANIA

Thank you, Mr. Chairman, for convening this important hearing and gathering these experienced professionals to inform us regarding the Al Qaeda and equip us to combat the global reach of terrorism. While the topic of this morning's hearing has been on the United States' agenda for some time, the September 11th attacks have transformed the campaign against bin Laden and his network of followers into a moral imperative.

I want to begin by saying that, as we examine this enemy we are confronting, it is important to realize that a war against terrorism will be one unlike any we have fought before. This is not a war that can be contained by borders. It is not one in which success can be measured in battles won or territory conquered.

It is also important to recognize that our enemy is made up of individuals motivated by extreme ideology wrapped in religious garb. And ideological resolve has proven to be stronger than any political campaign or quest for power. This ideology does not square with Islam's recognition of transcendence, but tries to create a heaven—though a very twisted one—on earth, here and now. In the last century, we confronted and defeated Marxist and Fascist attempts to recreate reality after their totalitarian visions. And we will succeed again against international terrorism.

We need to realize today that we are combating not only bin Laden but his ability to awaken a religious passion and deep determination in his followers. This makes the challenge of combating international terrorism even more difficult. We are not merely fighting a move for power or territory. We are up against an organization with deep-seeded, though misguided and distorted, beliefs that are motivating their actions—the lunatic fringe that uses outlaw tactics.

The United States is equipped with military might that has been a vital asset in defending and protecting ourselves and our allies in many battles. But this war is one unlike any battle fought before. As long as we lack an understanding of the Al-Qaeda and other terrorist groups, we are empty handed in our fight against the horror and injustice of terrorism.

It is essential that we be proactive about learning as much as we can about our enemy. We need to learn about the financial means used by the organizations so that we may deprive them of their resources and their ability to remain functional. We need to become educated about previous attacks by these organizations and look for a pattern to their campaign of destruction.

President Bush has already started gathering a coalition of allies in this war on terrorism. It is essential that we gather cooperation of our foreign allies in combating these terrorist organizations on many fronts. I have been thankful for the many calls from Muslim friends in Muslim countries that are offering their condolences and commitment to help. We must help these allies realize that the help we need is much more than military and technical assistance. We need them to join with us in identifying and freezing assets. We need their support in combating the drug trafficking that has sometimes financed these organizations. It will also include working diplomatically to isolate the Taliban and demand they hand over bin Laden. We need them to help us gain access to information regarding these terrorist enemies and their methods.

We are gathered for this hearing today to learn additional information about the enemy. As we proceed into this war it is essential that we remember who that enemy is. The enemy is not the innocent civilians of Afghanistan. It is essential that we respond to these terrorists and those that harbor them, offering sanctuary with precise and deliberate retribution. We will make it clear that America is a land of hope and freedom that does not tolerate evil and the destruction of innocents. We must be careful, however to respond in a way that targets the enemy and makes every attempt to avoid harming the innocent people of Afghanistan that have already suffered for years under the tyrannical rule of the Taliban. While ferocious response is necessary, it is vital that we make it a priority to protect as many innocent lives as possible. To properly target our enemy we must make every effort to become educated on their ways, their methods, and their resources.

It is only through education about this network of bin Laden's that we will gain the ability to combat it. So, thank you distinguished guests for coming to inform us today. And thank you, Chairman, for convening a hearing on this matter.

PREPARED STATEMENT OF THE HONORABLE DARRELL E. ISSA, A REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

I thank the Chairman for yielding and for calling this hearing on such a crucial issue facing our nation.

Future generations will undoubtedly view the attacks on September 11, 2001 as the most horrific act of terrorism on American soil and as a time when our people bore the burden of freedom in the most demanding way. However, they will also view this as the age that saw true courage and answered the noble call to fight global terrorism. If we do what is right and seek to leave the world a safer and more peaceful place, it will be remembered as the beginning of the end of extremist groups who twist their faith into an outlet for hatred. It will be thought of as the time when a global coalition, made up of western, eastern, Christian, and Islamic countries came together to thwart global terrorists, who pervert truth and promulgate their evil around the world.

The struggle may be long, but we will be victorious because the enemy is clear. Our enemies are those who will not come to the table to negotiate their grievances. They are those who take a direct route to violence in order to achieve their vague and unattainable goals, rather than to world bodies for mediation. They are those who hate freedom and will never conceive the notion of peace. They are the members of the al Qaeda network, whose global reach wreaks havoc around the world. With the al Qaeda, there are no negotiations because they have already chosen their path—and their goal of death, destruction, and terror is clear.

We cannot lose hope for those conflicts around the world that do have momentum for peace. We must thoughtfully engage those peoples who have come to the negotiating table and hold hope for a final resolution through continued negotiations. I agree with the President who recently recognized that there is a framework for a negotiated peace in the Middle East. Both Palestinian and Israeli leaders are struggling to exit the circle of violence that has consumed them for decades. Both parties should be encouraged and aided in their efforts to return to the negotiating table.

I urge my colleagues not to give up on this region because, as the President has rightfully stated, the process is available for peace.
Again, I thank the Chairman for calling this important hearing and I look forward to the testimony of our witnesses.

